

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 9650

IN THE MATTER OF:

Served June 15, 2006

Application of NACOLE ALANDREA	)	Case No. AP-2005-146
BROWN, Trading as BWI AIRPORT	)	
XPRESS SHUTTLE SERVICES, for a	)	
Certificate of Authority --	)	
Irregular Route Operations	)	

Applicant seeks a certificate of authority to transport passengers in irregular route operations between points in the Metropolitan District, restricted to transportation in vehicles with a seating capacity of less than 16 persons only, including the driver. The application is unopposed.

The Compact, Title II, Article XI, Section 7(a), authorizes the Commission to issue a certificate of authority if it finds that the proposed transportation is consistent with the public interest and that the applicant is fit, willing, and able to perform the proposed transportation properly, conform to the provisions of the Compact, and conform to the rules, regulations, and requirements of the Commission.

Applicant verifies that: (1) applicant owns or leases, or has the means to acquire through ownership or lease, one or more motor vehicles meeting the Commission's safety requirements and suitable for the transportation proposed in this application; (2) applicant owns, or has the means to acquire, a motor vehicle liability insurance policy that provides the minimum amount of coverage required by Commission regulations; and (3) applicant has access to, is familiar with and will comply with the Compact, the Commission's rules, regulations and orders, and Federal Motor Carrier Safety Regulations as they pertain to transportation of passengers for hire.

Applicant proposes operating one van under the District of Columbia Medicaid program using the trade name "BWI Airport Xpress Shuttle Services". It occurs to us that DC Medicaid passengers might be a bit confused by that name. Moreover, this Commission has no jurisdiction over trips to or from Baltimore/Washington International Thurgood Marshall Airport, and the application states that applicant has no other passenger carrier authority. We do not believe it would be in the public interest to approve the proposed trade name under these circumstances.

Thus, under our authority to "attach to the issuance of a certificate and to the exercise of the rights granted under it any term, condition, or limitation that is consistent with the public

interest,"<sup>1</sup> any certificate issued pursuant to this order shall exclude the trade name "BWI Airport Xpress Shuttle Services," and applicant shall not hold herself out to do business in the Metropolitan District under said trade name.<sup>2</sup>

Based on the evidence in this record, and subject to the foregoing limitation, the Commission finds that the proposed transportation is consistent with the public interest and that applicant is fit, willing, and able to perform the proposed transportation properly, conform to the provisions of the Compact, and conform to the rules, regulations, and requirements of the Commission.

THEREFORE, IT IS ORDERED:

1. That upon applicant's timely compliance with the requirements of this order, Certificate of Authority No. 1239 shall be issued to Nacole Alandrea Brown, 27 Keepsake Place, Waldorf, MD 20602.

2. That applicant may not transport passengers for hire between points in the Metropolitan District pursuant to this order unless and until a certificate of authority has been issued in accordance with the preceding paragraph.

3. That applicant is hereby directed to present its revenue vehicle(s) for inspection and file the following documents within the 180-day maximum permitted in Commission Regulation No. 66: (a) evidence of insurance pursuant to Commission Regulation No. 58 and Order No. 4203; (b) an original and four copies of a tariff or tariffs in accordance with Commission Regulation No. 55; (c) a vehicle list stating the year, make, model, serial number, fleet number, license plate number (with jurisdiction) and seating capacity of each vehicle to be used in revenue operations; (d) a copy of the for-hire vehicle registration card, and a lease as required by Commission Regulation No. 62 if applicant is not the registered owner, for each vehicle to be used in revenue operations; and (e) proof of current safety inspection of said vehicle(s) by or on behalf of the United States Department of Transportation, the State of Maryland, the District of Columbia, or the Commonwealth of Virginia.

4. That the grant of authority herein shall be void and the application shall stand denied upon applicant's failure to timely satisfy the conditions of issuance prescribed herein.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES, SMITH, AND CHRISTIE:



William S. Morrow, Jr.  
Executive Director

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<sup>1</sup> Compact, tit. II, art. XI, § 7(d).

<sup>2</sup> See *In re Jet Tours USA, Inc.*, No. AP-94-50, Order No. 4649 (Aug. 22, 1995) (applicant prohibited from using confusing trade name).